

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JAMES A. SPARKS,</b>	:	<b>CIVIL ACTION NO. 1:04-CV-1518</b>
	:	
<b>Petitioner</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>PENNSYLVANIA BOARD OF PROBATION AND PAROLE, et al.,</b>	:	
	:	
<b>Respondents</b>	:	

**ORDER**

\_\_\_\_\_AND NOW, this 11th day of April, 2008, upon consideration of the correspondence from petitioner dated April 10, 2008 (Doc. 20), advising the court that petitioner's state court proceeding was dismissed for failure to comply with a state procedural rule, and it appearing that petitioner has been afforded the opportunity to exhaust available state court remedies, (see Doc. 15), and that petitioner has failed to exhaust such state court remedies properly, (see Doc. 1 at 2; Doc. 20); 28 U.S.C. §§ 2254(b), (c); Rainey v. Diguglielmo, No. 05-1334, 2006 WL 2588747, at \*13 n.2 (E.D. Pa. Sept. 7, 2006) (citing O'Sullivan v. Boerckle, 526 U.S. 838, 845 (1999)) (stating that, to satisfy the exhaustion requirement, a § 2254 petitioner must present his or her "federal claim to all segments of [the] state appellate system in [the] procedurally correct manner, so as to facilitate substantive review on [the] state level"), it is hereby ordered that:

1. The petition (Doc. 1) is DENIED.
2. A certificate of appealability is DENIED. See 28 U.S.C. § 2253(c).
3. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge